

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

SAM GALLOWAY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:05-CV-545
	)	(VARLAN/GUYTON)
BIG G EXPRESS, INC. and COMMERCE	)	
AND INDUSTRY INSURANCE COMPANY,	)	
	)	
Intervening Plaintiffs,	)	
	)	
v.	)	
	)	
VOLVO TRUCKS NORTH AMERICA, INC.,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on the Report and Recommendation filed by United States Magistrate Judge H. Bruce Guyton on January 22, 2009. [Doc. 192.] There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of the matter, the Court is in agreement with Magistrate Judge Guyton's recommendations, which the Court adopts and incorporates into its ruling. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 192] and hereby **GRANTS** Plaintiff's motion for the distribution of judgment [Doc. 185] to the extent that

the \$250,000.00 jury award be allocated as follows: \$31,084.82 for attorney May's litigation costs; \$30,994.66 for the costs of Leitner Williams; \$1,358.02 for the costs of attorney Newcomb; \$41,666.67 for the attorney's fee of attorney Newcomb; \$25,000.00 for the attorney's fee of attorney May; \$16,666.66 for the attorneys' fee of Leitner Williams; and the remaining \$103,229.17 to offset the intervening plaintiffs' subrogation interest.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE